

**MEMORANDUM**

Subject: Section 4 (f) Involvement - Wild and  
Scenic Rivers System

From: Director, Office of Environmental Policy  
Washington, D.C.

To: Mr. M. Eldon Green  
Regional Federal Highway Administrator  
Portland, Oregon

Date: May 26, 1981

Reply to  
Attn. of: HEV-1

Your April 15 memorandum concerning the above subject has been carefully reviewed. All aspects of this issue have been analyzed in view of existing laws and regulations. Our position on the application of Section 4 (f) to the Wild and Scenic Rivers System remains essentially the same as outlined by Mr. Michael Lash in his June 6, 1978, memorandum to former Regional Federal Highway Administrator W. H. White.

Title 23, CFR 771.135 (d), relating to Federal lands being administered under statutes permitting multiple use, is clearly applicable to the Wild and Scenic Rivers System. Section 4 (f) applies to the portions of wild and scenic areas which are in fact being used, or designated on an approved land management plan for use, as a park; recreation, wildlife, or waterfowl refuge; or for historic purposes. Further, Section 4 (f) is not applicable unless specific land uses, as identified in Section 4(f), exist on those portions of the land needed for highway purposes. Designation under the Wild and Scenic Rivers Act does not in itself invoke Section 4(f) in the absence of specific Section 4(f) land use categories.

The Secretary of Transportation has granted the Federal Highway Administrator the responsibility and authority to administer Section 4(f) in the Federal-Aid Highway Program. Therefore, FHWA's decision as to the applicability of Section 4(f) is determinative. Other Federal agencies have a responsibility to point out facts or circumstances on a given project such as the Department of the Interior has done in your Region. However, the FHWA's final determination on the applicability of Section 4(f) governs.

/ Original Signed by /

Leon N. Larson